

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1270 of 2025

Arising Out of PS. Case No.-581 Year-2024 Thana- BARUN District- Aurangabad

Guddu Pandey @ Amrendra Pandey S/O Dinesh Pandey R/O Vill.- Dhuriya,
P.S.- Barun, Dist.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Pandey S/O Late Ramlakhan Pandey R/O Vill.- Dhuriya, P.S.- Barun, Dist.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Baitha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-08-2025 Despite being informed by learned Spl. Public Prosecutor for the State, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and learned Spl. Public Prosecutor for the State.

3. The present appeal has been filed for setting aside the order dated 24.02.2025 passed in R.B.A No. 90 of 2025 by learned 1st District & Additional Sessions Judge-cum- Special Court, SC/ST, Aurangabad in connection with Barun P.S. Case No. 581 of 2024 for the offences under Sections 126(2), 115(2), 109, 103(1), 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of the SC/ST (POA) Act whereby and



whereunder the prayer of the appellant for regular bail has been rejected.

4. As per the prosecution case, on the alleged date and time of occurrence, when informant was harvesting crop, all the F.I.R. named accused persons including this appellant reached there and assaulted informant and his father by means of deadly weapons. It is alleged that co-accused Chitranjan Pandey and Vidya Bhushan Pandey gave *gada* and *sikad* blow on the head of the father of informant as a result of which he died.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Specific accusation of assaulting father of informant, resulting in his death, is against co-accused Chitranjan Pandey and Vidya Bhushan Pandey. There is no specific accusation of overt act against the appellant. Moreover, there is no allegation of abuse by caste name in the F.I.R. as such, no case under SC/ST Act is made out against appellant. The appellant is in custody since 20.12.2024, having no criminal antecedent. Charge-sheet has already been submitted.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the appeal.

7. However, considering the nature of accusation as



well as period of custody and clean antecedent, the impugned order dated 24.02.2025 is, hereby, set aside and this criminal appeal is allowed.

8. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st District & Additional Sessions Judge-cum- Special Court, SC/ST, Aurangabad in connection with Barun P.S. Case No. 581 of 2024.

(Prabhat Kumar Singh, J)

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